

To Chairman Julius Genachowski, Commissioners Michael Copps, Mignon Clyburn, Robert McDowell, Meredith Atwell Baker at the Federal Communications Commission,

AT&T, the nation's second-largest mobile phone company, has announced its plan to buy T-Mobile, the fourth-largest carrier.

This deal would form a communications colossus not seen since the monopoly days of Ma Bell. Two companies, AT&T and Verizon, would control nearly 80 percent of the mobile market in America. With AT&T being the only provider offering GSM based 3G connections and should Sprint ever go out of business or bought up Verizon would be the only major CDMA provider.

AT&T's takeover of T-Mobile would take away choice for users. And a lack of choice means higher prices, poor service and less innovation for everyone.

Now AT&T will argue the opposite that they will own more spectrum and be able to offer lower prices to users while improving service but those are lies. If the Federal Communications Commission really wants to expand broadband and encourage higher adoption it has to address the lack of competition issues in fixed broadband and prevent competition from reducing in mobile broadband by preventing consolidation in the wireless market. We don't need price control regulations under Title II but we do need Title II reclassification of broadband so the FCC can faithfully serve the public interest, have oversight of broadband providers and mandate Network Neutrality rules of nondiscrimination on fixed and mobile broadband providers to keep the Web and Wireless Web free and open to users and innovators online.

#### Fact v. Fiction

AT&T says the T-Mobile takeover "strengthens and expands U.S. mobile broadband infrastructure," and that it helps us "achieve policymaker goals of deploying broadband to 95 percent of the country, including smaller, rural communities."

Reality: According to recent Commerce Department data, wireless services are already available to 95 percent of Americans. If this merger goes through, analysts speculate that AT&T will decommission upwards of 40,000 wireless towers, reducing the quality of coverage for hundreds of thousands of Americans.

AT&T says the overall average price-per-minute for wireless services has declined 50 percent since 1999, "during a period which saw five major wireless mergers."

Reality: That figure is highly misleading. While the cost to consumers for voice services has dropped, the sum total of charges on mobile phone bills has dramatically increased. Added costs include spiraling rates for texting and data services as well as hidden handset subsidies. With less competition among carriers, we can expect AT&T to charge you even more.

AT&T says the merger "enables the next era of American innovation and continued growth of U.S. high tech industry."

Reality: The merger would allow AT&T to exert even greater gatekeeper control over what happens on the wireless Web. The company has a long history of blocking competing services -- like Skype, GoogleVoice and Slingbox. And AT&T's expanded control over the handset market will stifle innovation in devices. In the past, AT&T has crippled handheld phones that can do more than what the company wants.

AT&T says the merger will expand the American workforce by moving thousands of new jobs to the United States.

Reality: When was the last time a merger actually created jobs for Americans and not more pink slips? This merger puts the jobs of nearly 40,000 U.S. T-Mobile employees at risk. Many of the jobs at retail stores and call centers will be eliminated, and there will be more jobs lost as the effects of this merger ripple through the broader economy.

Preserving the openness of the Internet is vital to encouraging higher public participation online and increasing competition will help bring down prices and improve quality of broadband services as consumer choices expand. Also some commercial broadband providers ignoring deployment in some rural areas upset when municipal governments deploy public broadband networks have tried to sue cities and counties to stop them from offering their own residents broadband service when the companies don't want to do so themselves and have lobbied state legislatures to prevent cities and counties from creating their own municipal broadband networks unfairly.

How does allowing this merger (and the mergers already approved) help the Federal Communications Commission implement the policies of the National Broadband Plan and how can we bridge the Digital Divide without addressing the competition issues I've raised which the FCC failed to include the National Broadband Plan.

Also I oppose President Obama's proposed National Wireless Initiative unless there are strong

Network Neutrality rules of nondiscrimination placed on the service providers based on Title II statutory authority that a court cannot strike down as unconstitutional and public interest obligations that require wireless carriers to commit to use public spectrum sold off in auctions in a way that serves the public interest.

Now the market for wire-line (fixed broadband) services by cable and phone companies is already a duopoly thanks to allowed mega mergers during Bush Cheney Administration and under President Obama the duopoly companies are getting bigger still, Qwest which already owns US West has now merged with Century Link, Comcast a service provider got to buy a content provider NBC Universal. These corporations are lobbying Congress and the FCC against nondiscrimination rules to protect consumers and innovators rights online. They say it is unfair for them to have to treat all web traffic equally and that their rights are being intruded upon but what about our rights as individual citizens of this country (as real people and corporations aren't persons despite the Citizens United ruling)

.I have already listed all of AT&T's fictional arguments for why this is a good merger for consumers and the reality of why its bad for us after detailing the lack of competition in wire-line broadband and why we need policies that not only promote increased competition in wire-line as well as wireless services but mandate it as well. The market for wire-line broadband services (i.e. fixed broadband) of phone company DSL services and cable company broadband services unfortunately is already a duopoly thanks to mega mergers allowed under the Bush Cheney Administration allowing AT&T to put Ma Bell back together by merging with Baby Bells SBC Communications & Bell South, allowing Qwest to gain control of US West etc and has only gotten worse since President Obama entered office unfortunately with Comcast being given the green light by the FCC and U.S. Department of Justice to merge with NBC Universal and Qwest given permission to merge with Century Link limiting competition further. What we need is more competition and consumer choices not less. AT&T's claims that merging with T Mobil USA will resolve spectrum problems and make it easier for it to expand broadband deployment benefiting users is just propaganda and its fictional. This deal will hurt consumers even more and result in less choices for them and higher prices.

AT&T SAYS THE MERGER WILL RESULT IN LOWER PRICES FOR CONSUMERS but with less competition and less consumer choices consumers will be stuck with subpar -- lower quality services and higher prices. We will be forced to pay more for less which is unacceptable.